

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA)
v.)
MARJIL LEE BERGARA,)
Defendant.)
) Case No. 1:05CR00053
)
) ORDER
)
) By: James P. Jones
) United States District Judge

For the reasons stated in the accompanying Opinion, it is **ORDERED** as follows:

1. The Clerk is DIRECTED to redocket the defendant's pro se submissions (ECF Nos. 121 & 122) as a single Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C. § 2255;
 2. The § 2255 motion is hereby DENIED without prejudice as successive;
 3. The § 2255 motion is stricken from the active docket of the court; and
 4. A Certificate of Appealability is DENIED.

ENTER: April 3, 2012

/s/ James P. Jones
United States District Judge